

IN RE: PETITIONS FOR SPECIAL EXCEPTION \* BEFORE THE  
AND VARIANCE - S/S Inwood Avenue,  
1050'W of Calvin Springs Court \* ZONING COMMISSIONER  
(7435 Inwood Avenue)  
1st Election District \* OF BALTIMORE COUNTY  
1st Councilmanic District \* Case No. 96-108-XA  
Raymond F. Ritter, Pers. Repr. for  
the Estate of Naomi C. Ritter - Petitioner

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 7435 Inwood Avenue, located in the vicinity of Johnnycake road in Catonsville. The Petitions were filed by Raymond F. Ritter, as Personal Representative for the Estate of Naomi C. Ritter, owner of the property. The Petition, as filed, seeks a special exception for a Class A Group Child Care Center for less than 40 children in a Residential Transition Area (RTA), pursuant to Section 424.6(A)(2) of the Baltimore County Zoning Regulations (B.C.Z.R.), and variance relief from Section 424.7(B) of the B.C.Z.R. to permit a side yard setback of 27 feet and a rear yard setback of 24 feet, both in lieu of the required 50 feet for each and to exclude the required 20-foot perimeter vegetative buffer, and from Section 424.1(B) of the B.C.Z.R. to permit a wood fence to be built along the rear property line with a setback of 0 feet in lieu of the required 20 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Raymond F. Ritter, Stephen W. and Doris J. Ritter, Proprietors of the proposed Child Care Center, and Douglas C. Lauenstein, Esquire, attorney for the Petitioner. There were no Protestants present.

ORDER RECEIVED FOR FILING

Date

By

1/22/96  
[Signature]

1/22/96

An examination of the language within the subject Petitions, when compared with the testimony and evidence offered at the hearing, discloses that the Petitions incorrectly characterized the actual relief being requested. Specifically, Mrs. Doris Ritter testified at the hearing that she proposes to provide a child care facility for up to 20 children, and estimated that approximately 15 to 20 children would be enrolled. A review of the Petition for Special Exception indicates that relief is being requested for a Class A Group Child Care Center for up to 40 children. Section 101 of the B.C.Z.R. defines words and phrases used throughout the regulations. A "group child care center" is defined as "a building or structure wherein care, protection and supervision is provided for part or all the day, on a regular schedule, at least twice a week, to at least nine (9) children, including children of the adult provider." A Class A Child Care Center is a facility which provides care for no more than 12 children. A Class B Center provides care for more than 12 children.

Based on the testimony offered by Mrs. Ritter, it is apparent that the relief requested within the Petition for Special Exception should be to allow a Class B facility, as opposed to a Class A facility. It is also apparent that Mrs. Ritter proposes a facility for more than 12 children.

The Petition for Special Exception is also flawed in identifying that Section of the regulations pursuant to which relief is being sought. The Petition cites Section 424.6(A)(2) as that Section of the B.C.Z.R. from which relief is being requested. An examination of that Section reveals, however, that same governs the appropriate signage and display requirements for Child Care Centers. Rather, it is Section 424.5(A) that is applicable. That Section indicates that special exception relief is required for Class A and Class B Child Care Centers in all D.R. zones,

when Residential Transition Area (RTA) requirements are applicable. Those requirements are set forth in Section 1B01.1B of the B.C.Z.R. A review of that Section confirms that RTA requirements are applicable here, by virtue of the fact that the proposed building will be principally devoted to such use and that the subject and adjacent properties are zoned D.R. Thus, the Petition for Special Exception should be amended to request relief for a Class B Child Care Center, pursuant to Section 424.5(A) of the B.C.Z.R. Such amendment is hereby adopted and incorporated. An examination of the Petition for Variance shows that same properly cites the appropriate and applicable Sections of the B.C.Z.R. from which relief is being sought.

Turning to the merits of the case, testimony and evidence offered revealed that the subject property was formerly owned by Naomi Cornwaite Ritter, now deceased. In fact, an examination of the site plan shows that members of the Ritter family own a number of properties in this vicinity. The property consists of 2.3 acres, more or less, zoned D.R. 2 and is improved with a barn and a one-story dwelling, which was formerly used as a residence. The dwelling has been converted to provide child day care facilities. Vehicular access to this structure, which lies to the rear of the property, is by way of a 10-foot wide gravel driveway from Inwood Avenue. This driveway also serves other properties, including the dwelling known as 7435 Inwood Avenue, which is owned and occupied by Stephen and Doris Ritter, the proprietors of the proposed day care operation. As noted above, other members of the family, including Raymond F. Ritter and Helen E. Ritter, live nearby (7501 Inwood Avenue).

Mrs. Doris Ritter testified that she presently operates a day care center at 7435 Inwood Avenue. Currently, this facility accommodates nine (9) children. Not all of the children are full-time. Specifically,

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Date 1/22/96  
By [Signature]

she indicated that she is presently licensed for six (6) children and has no more than 6 at any given time. Ages of the children are primarily from 2 to 4 years; however, there are some older children before and after school hours. Several letters (Petitioners' Exhibits 1A through 1E), were offered in support of the Petition. Many of these letters are from clients of Mrs. Ritter who currently have children enrolled in her facility.

Despite the fact that the Petitions were unopposed, this Zoning Commissioner was troubled by the lack of specificity in the description of the proposed center. Definitive testimony was not offered as to how the program would be staffed, the precise number of children to be enrolled, etc. Although the Petitioners may well consider these issues as details to be worked out later, they are significant factors in considering the Petition for Special Exception. The Petition can only be granted upon a finding that the proposed use will not be detrimental to the health, safety or general welfare of the surrounding locale, in accordance with the standards set forth in Section 502.1 of the B.C.Z.R. Such a finding is difficult when the Petitioners' plans are not far enough advanced to provide this Hearing Officer with an understanding of the specifics of the project.

Moreover, this Zoning Commissioner must consider the language contained within the RTA statute. In residential transition areas such as this, Section 1B01.1B.1(g)(10.a) provides that Class B Child Care Centers are permitted by special exception, "provided that the Zoning Commissioner determines, during the special exception process, that the proposed improvements are planned in such a way that compliance with the bulk standards of Section 424.7 will be maintained..." (emphasis added).

In Case No. 95-280-XA, the County Board of Appeals held that a requested variance from the bulk standards of Section 424.7 precludes the granting of a special exception. Although the Board's opinion is not legal precedent, it is nonetheless instructive. Moreover, even if one does not adopt the harsh interpretation adopted by the Board that the special exception must be precluded, the impact of Section 1B01.1B.1(g)10(a) at the least, is that compelling circumstances must be demonstrated to permit deviation from the bulk standard requirements.

The record presented in this case shows that no such compelling circumstances were offered. The mere convenience of the Petitioners, as well as the existing use, do not, in my judgment, meet the criteria.

For these reasons, the Petition for Special Exception must be denied. Likewise, the Petition for Variance should not be granted. There has been no showing that the variances are justified under Cromwell v. Ward, 102 Md. App. 691 (1995), that requires a showing of unique circumstances affecting the subject property.

Pursuant to the advertising, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22<sup>nd</sup> day of January, 1996 that the Petition for Special Exception seeking approval for a Class A Group Child Care Center for less than 40 children in a Residential Transition Area (RTA), pursuant to Section 424.6(A)(2) of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

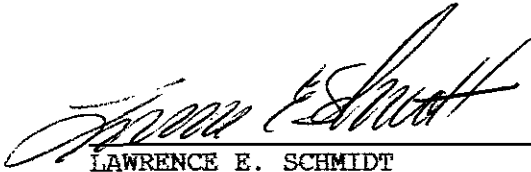
IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 424.7(B) of the B.C.Z.R. to permit a side yard setback

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Date

By

of 27 feet and a rear yard setback of 24 feet, both in lieu of the required 50 feet for each and to exclude the required 20-foot perimeter vegetative buffer, and from Section 424.1(B) of the B.C.Z.R. to permit a wood fence to be built along the rear property line with a setback of 0 feet in lieu of the required 20 feet, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date

1/22/06

By





Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-4386

January 22, 1996

Douglas C. Lauenstein, Esquire  
809 Eastern Boulevard  
Baltimore, Maryland 21221

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE  
S/S Inwood Avenue, 1050'W of Calvin Springs Court  
(7435 Inwood Avenue)  
1st Election District - 1st Councilmanic District  
Raymond F. Ritter, Personal Representative for  
the Estate of Naomi C. Ritter - Petitioner  
Case No. 96-108-XA

Dear Mr. Lauenstein:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Mr. Raymond F. Ritter  
7501 Inwood Avenue, Catonsville, Md. 21228

Mr. & Mrs. Stephen Ritter  
7435 Inwood Avenue, Catonsville, Md. 21228

People's Counsel

File



# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at #7435 Inwood Avenue

which is presently zoned D.R.-2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See Attached

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

~~Hardship~~ To be established at Hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Legal Owner(s)

Mr. Raymond F. Ritter, Personal Representative of the Estate of

(Type or Print Name) Naomi Cornwaite Ritter

Signature

(Type or Print Name)

Signature

#7501 Inwood Avenue

744-3874

Address

Phone No

Catonsville, Md. 21228

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Anthony J. Vitti

Vitti & Associates, Inc.

Name

1717 York Road

252-5212

Address

Phone No

Lutherville Md. 21093

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY.

DATE

9-1-95

ORDER RECEIVED FOR FILING

Date

By

Printed with Soybean Ink on Recycled Paper



101



# Vitti & Associates, Inc.

Engineering & Surveying

1717 York Road, Suite 102 • Lutherville, Maryland 21093

(410) 252-5212

Petition for Variance  
#7435 Inwood Avenue

Requested Relief:

- 1) Petition for a Variance from the Baltimore County Zoning Regulations, Section 424.7(B) to allow a sideyard setback of 27' in lieu of the required 50' setback and a variance from the same section to exclude the required 20' perimeter vegetative buffer.
- 2) Petition for a Variance from the Baltimore County Zoning Regulations, Section 424.7(B) to allow a rearyard setback of 24' in lieu of the required 50' setback and a Variance from the same section to exclude the required 20' vegetative buffer.
- 3) Petition for a Variance from the Baltimore County Zoning Regulations, Section 424.1(B) to allow a wood fence to be built along the rear property line at a setback of 0' to the property line in lieu of the required 20'.

101

# Vitti & Associates, Inc.

Engineering & Surveying

1717 York Road, Suite 102 • Lutherville, Maryland 21093

(410) 252-5212

Zoning Description #7435 Inwood Avenue  
1st Election District  
Baltimore County, Md.

Beginning for the same at a point 1050 feet, more or less,  
Westerly from the centerline of Calvin Springs Court, thence:

- 1) South 04 Degrees 34 Minutes 25 Seconds West, 150.00 feet;
- 2) North 82 Degrees 49 Minutes 25 Seconds East, 180.00 feet;
- 3) Southerly 183.00 feet;
- 4) Westerly 50.00 feet;
- 5) Southerly 166.72 feet;
- 6) South 20 Degrees 02 Minutes 38 Seconds West, 172.40 feet;
- 7) South 77 Degrees 20 Minutes 19 Seconds West, 137.17 feet;
- 8) North 11 Degrees 13 Minutes 16 Seconds West, 88.31 feet;
- 9) North 34 Degrees 34 Minutes 03 Seconds West, 195.70 feet;
- 10) North 81 Degrees 32 Minutes 17 Seconds East, 130.00 feet;
- 11) North 07 Degrees 21 Minutes 17 Seconds East, 394.66 feet;
- 12) South 82 Degrees 49 Minutes 25 Seconds West, 137.15 feet;
- 13) North 14 Degrees 06 Minutes 24 Seconds East, 10.08 feet;
- 14) North 82 Degrees 49 Minutes 25 Seconds East, 237.10 feet  
to the point of beginning.

Containing approximately 2.30 Acres, more or less.

Being a remainder parcel from a deed dated June 9, 1947, from  
Mary J. Ritter to Lawrence T. Ritter and Naomi C. Ritter and  
recorded among the Land Records of Baltimore County, Maryland  
ib Liber 1573, Folio 105.



F TIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No.

JCM

DATE

9-1-95

ACCOUNT

Boo1-6150

AMOUNT \$

620.<sup>00</sup>

RECEIVED  
FROM:

RAY RITTER

7435

Timmons Ave.

FOR:

SPEC CK (650)  
YMR (602.1)  
POSTAGE (080) 2435

300.00  
250.00  
70.00

U160140730301134RC  
BO 00127435PM07-01-95

620.00

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 101 of the County Office Building, 13 W. Chesapeake Avenue, Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: 96-108-XA  
(Item 101)  
2435 Inwood Avenue  
SS Inwood Avenue, 1050 +/-  
Wesley from of Calvin  
Springs Court  
1st Election District  
1st Councilmanic  
Legal Owner(s):  
Raymond F. Ritter, P.R. Estate  
Naomi Cornwalte Ritter  
Hearing: Wednesday,  
October 25, 1995 at 2:00 p.m.  
In Rm. 118, Old Courthouse.

**Special Exception for a Class**  
A group child care center for less than 40 children in a Residential Transition Area. Variance: to allow a side yard setback of 27 feet in lieu of the required 60-foot setback and to exclude the required 20-foot perimeter vegetative buffer; to allow a rear yard setback of 24 feet in lieu of the required 50-foot setback and to exclude the required 20-foot vegetative buffer, and to allow a wood fence to be built along the rear property line at a setback of zero feet to the property line in lieu of the required 20 feet.

LAWRENCE E. SCHMIDT,  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Call 887-3353.  
(2) For information concerning the file and/or hearing, Please Call 887-3351.

9/24/95 Sept. 28.

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., 9/29, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/28, 1995.

**THE JEFFERSONIAN,**

*G. A. Towson*  
**LEGAL AD. - TOWSON**

**CERTIFICATE OF POSTING**      96-108-VH  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
Towson, Maryland

District: 1st      Date of Posting: 10/9/95  
Posted for: Special Exception to Variances  
Petitioner: Raymond Ritten + Estate of Naomi Ritten  
Location of property: 7435 Inwood Ave.  
  
Location of Signs: Facing roadway on property being zoned  
  
Remarks: \_\_\_\_\_  
Posted by: [Signature]      Date of return: 10/13/95  
Number of Signs: 1



10/13/95

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

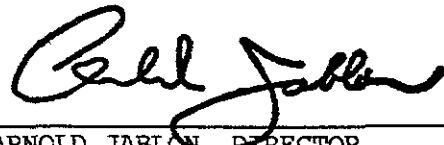
Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

**PAYMENT WILL BE MADE AS FOLLOWS:**

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.



ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 101

Petitioner: RAY RITTER

Location: 7435 Inwood Ave.

**PLEASE FORWARD ADVERTISING BILL TO:**

NAME: RAY RITTER

ADDRESS: 7501 Inwood Ave.

CATONSVILLE MD. 21228

PHONE NUMBER: 744-3874

AJ:ggs

(Revised 04/09/93)

11/11/93

TO: PUTUXENT PUBLISHING COMPANY  
September 28, 1995 Issue - Jeffersonian

Please forward billing to:

Ray Ritter  
7501 Inwood Avenue  
Catonsville, MD 21228  
744-3874

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### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-108-XA (Item 101)  
7435 Inwood Avenue  
S/S Inwood Avenue, 1050' +/- Westerly from c/l Calvin Springs Court  
1st Election District - 1st Councilmanic  
Legal Owner: Raymond F. Ritter, P.R. Estate Naomi Cornwaite Ritter  
HEARING: WEDNESDAY, OCTOBER 25, 1995 at 2:00 p.m.. in Room 118, Old Courthouse.

Special Exception for a Class A group child care center for less than 40 children in a Residential Transition Area.

Variance to allow a side yard setback of 27 feet in lieu of the required 50-foot setback and to exclude the required 20-foot perimeter vegetative buffer; to allow a rear yard setback of 24 feet in lieu of the required 50-foot setback and to exclude the required 20-foot vegetative buffer, and to allow a wood fence to be built along the rear property line at a setback of zero feet to the property line in lieu of the required 20 feet.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

September 21, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified hereinin Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-108-XA (Item 101)

7435 Inwood Avenue

S/S Inwood Avenue, 1050'+/- Westerly from c/l Calvin Springs Court

1st Election District - 1st Councilmanic

Legal Owner: Raymond F. Ritter, P.R. Estate Naomi Cornwaite Ritter

HEARING: WEDNESDAY, OCTOBER 25, 1995 at 2:00 p.m.. in Room 118, Old Courthouse.

Special Exception for a Class A group child care center for less than 40 children in a Residential Transition Area.

Variance to allow a side yard setback of 27 feet in lieu of the required 50-foot setback and to exclude the required 20-foot perimeter vegetative buffer; to allow a rear yard setback of 24 feet in lieu of the required 50-foot setback and to exclude the required 20-foot vegetative buffer, and to allow a wood fence to be built along the rear property line at a setback of zero feet to the property line in lieu of the required 20 feet.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

cc: Raymond Ritter  
Anthony J. Vitt

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.







Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

October 17, 1995

Mr. R. F. Ritter  
7501 Inwood Avenue  
Catonsville, Maryland 21228

RE: Item No.: 101  
Case No.: 96-108-XA  
Petitioner: Estate of N. C. Ritter

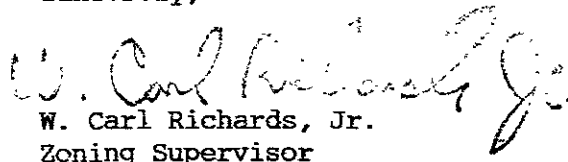
Dear Mr. Ritter:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 1, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,


  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)



BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E   C O R R E S P O N D E N C E

TO: Arnold Jablon, Director      DATE: Sept. 18, 1995  
Zoning Administration and Development Management

FROM:  Robert W. Bowling, P.E., Chief  
Development Plans Review Division

RE: Zoning Advisory Committee Meeting  
for September 18, 1995  
Item No. 101

The Development Plans Review Division has reviewed the subject zoning item. Inwood Avenue is an existing road, which shall ultimately be improved as a 30-foot street cross-section on a 50-foot right-of-way. Show the ultimate right-of-way on the plan.

The private rights-of-way shall contain a 12-foot wide paved driveway per Dept. of Public Works Standard Plate R-47 and a paved tee turnaround.

This office supports the request to variance the 20-foot vegetative buffer and allow the wood fence to be built along the rear property line.

RWB:sw

11/14/95 11:11 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Permits and Development  
Management

DATE: September 25, 1995

FROM: Pat Keller, Director  
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item No. 101

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

*Jeffrey W. Long*

Division Chief:

*Daryl L. Kenna*

PK/JL

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 09/12/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: RAYMOND F. RITTER, PERSONAL REPRESENTATIVE OF THE  
NAOMI CORNWAITE RITTER  
LOCATION: S/S INWOOD AVE., 1050' +/- WESTERLY FROM CENTERLINE  
CALVIN SPRINGS CT. (7435 INWOOD AVE.)

Item No.: 101

Zoning Agenda: SPECIAL EXCEPTION/VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

RECEIVED  
SEP 13 1995

cc: File





**Maryland Department of Transportation**  
**State Highway Administration**

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

9-12-95

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 101 (JCM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*for* *Bob Small*  
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

## PETITION PROBLEMS

### #93 --- JRF

1. Notary section is incomplete/incorrect.

### #94 --- JRA

1. No telephone number for legal owner.

### #97 --- JRA

1. No review information on bottom of petition form.

### #98 --- JJS/JLL

1. No telephone number for legal owner.

### #99 --- RT

1. Not marked "Critical Area".

### #101 --- JCM

1. Need authorization for power of attorney from Register of Wills. (Petition for Commissions is signed by the personal representative, not the court. Also, the first page is cut off at the bottom.)

4/10/2014

|  |   |                     |
|--|---|---------------------|
| RE: PETITION FOR SPECIAL EXCEPTION       | * | BEFORE THE          |
| PETITION FOR VARIANCE                    |   |                     |
| 7435 Inwood Avenue, S/S Inwood Avenue,   | * | ZONING COMMISSIONER |
| 1050'+/- w from c/l Calvin Springs Court | * |                     |
| 1st Election District, 1st Councilmanic  | * | OF BALTIMORE COUNTY |
| Raymond F. Ritter, P.R. of the           | * | CASE NO. 96-108-XA  |
| Estate of Naomi Cornwaite Ritter         | * |                     |
| Petitioner                               | * |                     |
| * * * * *                                |   |                     |

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24<sup>th</sup> day of October, 1995, a copy of the foregoing Entry of Appearance was mailed to Anthony J. Vitti, Vitti & Associates, Inc., 1717 York Road, Lutherville, MD 21093, representative for Petitioners.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

IN THE MATTER OF THE

\*

IN THE ORPHANS' COURT

ESTATE OF

\*

FOR

NAOMI CORNWAITE RITTER

\*

BALTIMORE COUNTY

\* \* \* \* \*

PETITION FOR COMMISSIONS

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The Petition of Raymond F. Ritter, Personal Representative of the Estate of NAOMI CORNWAITE RITTER, deceased, respectfully shows unto your Honors:

1. That your Petitioner was appointed Personal Representative of the Estate of Naomi Cornwaite Ritter, deceased, by this Court on March 24, 1986.

2. That the services performed by the Personal Representative in connection with the administration of the Estate include the following:

(a) Prepared and filed with the Register of Wills a Petition for Probate as well as the Acceptance of Appointment and Consent to Service.

(b) Arranged for the Grant of Letters appointing your Petitioner as Personal Representative.

(c) Arranged for the insertion in THE JEFFERSONIAN of the Appointment of your Petitioner as Personal Representative and filed with the Register of Wills a Certification of Publication of said Notice of Appointment.

(d) Furnished the Register of Wills with a list of persons interested in the Estate together with their mailing addresses.

(e) Prepared and filed an Information Report with the Register of Wills.

(f) Prepared and filed, with payment, the Joint Accounts, on jointly owned bank accounts.

101



assets, owned by the decedent at her death and which were subject to administration under the laws of Maryland.

(h) Prepared and filed an Inventory of all the assets owned by the decedent at her death and which were subject to administration under the laws of Maryland.

(i) Appraised the assets of the estate.

(j) After investigation, paid all bills of the decedent.

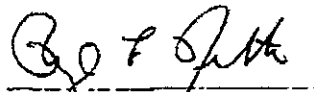
(k) Prepared and will promptly file the First (and final) Administration Account which will show the details of the Administration, including payment of all the decedent's debts.

WHEREFORE, your Petitioner prays that this Honorable Court will pass an Order allowing the said Petitioner in his First (and final) Administration Account to be filed, a reasonable sum as Commissions for the services rendered by him, the amount of the Gross Estate being \$60,000.00; and he recommends that such commission be calculated on the basis of 10% of \$20,000.00 and 4% of the balance of \$40,000.00, with a deduction of the State Tax on Commissions in the amount of \$360.00; and that the remainder or net commission of \$3,240.00 be paid to your Petitioner for services rendered by the Personal Representative of this estate.

No counsel fees are to be requested.

AND, as in duty bound, etc.

I do solemnly declare and affirm under the penalties of perjury that the contents of the foregoing document are true and correct to the best of my knowledge, information and belief.

  
RAYMOND F. RITTER

Personal Representative

APPLICATION FOR CHILD CARE CENTER

USE PERMIT

This Use Permit is requested in accordance with Sections 424.5 and 500.4 of the Baltimore County Zoning Regulations.

Proposed Child Care Center Location:

Election District 1st  
Subdivision Catonsville  
Street Address \* 7435 Inwood Rd Ave.  
Lot Number \_\_\_\_\_ Block Number \_\_\_\_\_  
\*If no lot or block number, give distance to nearest intersecting  
street 1050 feet, north / south / east / west of  
Calvin Springs Court Street / Road / Avenue  
Lot Size 260' x 650'

Existing Nearest Child Care Center Location: (lot number, street address, etc.)

General Information:

- A. Name and Address of Applicant/Operator  
Stephen W. & Doris J. Ritter  
7435 Inwood Avenue  
Catonsville, Md. 21228 Telephone Number \_\_\_\_\_
- B. Number of Employees 2 Hours of Operation 7AM to 6PM  
Days of Week 5
- C. Number of Children Enrolled 30
- D. Estimated Amount of Traffic Generated:  
Morning 15 Afternoon 15
- E. Site Plan, drawn to scale, indicating location and type of structure on lot in question, location and dimensions of play parking area(s) arrangement, and proximity of dwellings on adjacent lots must accompany this Use Permit
- F. Snapshot of the Structure

I am aware that the zoning regulations require that the above property be posted for a period of thirty (30) days prior to the Zoning Commissioner taking any action, that said posting (sign) shall include information relative to the number of children, hours of operation, and number of employees, and that I am responsible for; and hereby agree, to pay expenses for all posting, advertising, and filing fees.

101

Anthony J. Vitti agent for  
Applicant's Signature  
Vitti & Assoc., Inc. Stephen & Doris Ritter

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING  
FOR A CLASS A CHILD CARE CENTER USE PERMIT

The application for your proposed Class A Child Care Center has been reviewed and is accepted for filing by \_\_\_\_\_ on \_\_\_\_\_  
DATE (A)

A sign indicating the proposed Child Care Center must be posted on the property for thirty (30) days before a decision can be rendered. Total cost, which includes application fee and posting, is \$75.00.

In the absence of a request for a public hearing during the 30-day posting period, a decision can be expected within approximately five weeks.

\*SUGGESTED POSTING DATE

B (A + 7 DAYS OR NEXT FRIDAY)

DATE POSTED \_\_\_\_\_

C (CERTIFIED BELOW)

HEARING REQUESTED - YES \_\_\_\_\_ NO \_\_\_\_\_ - DATE \_\_\_\_\_

LAST DAY FOR HEARING REQUESTS \_\_\_\_\_

D (C + 30 DAYS)

APPROXIMATE DECISION DATE \_\_\_\_\_

E (A + 40 DAYS OR D + 5 WORK DAYS)

\*Within 14 days of filing

C E R T I F I C A T E O F P O S T I N G

District \_\_\_\_\_

Location of Property: \_\_\_\_\_

Number of Signs: \_\_\_\_\_ Date of Posting: \_\_\_\_\_

Posted by: \_\_\_\_\_

USE/CHLD (TXTSOPH)

Revised 7/28/93

# FILE COPY

9/28/95

IN THE MATTER OF THE \* BEFORE THE  
THE APPLICATION OF \*  
GORDON L. HARRISON, ET UX \* COUNTY BOARD OF APPEALS  
FOR A SPECIAL EXCEPTION AND \* OF  
VARIANCES ON PROPERTY LOCATED \*  
ON THE NORTH SIDE OLD EASTERN \*  
AVENUE, 25' E OF CENTERLINE \* BALTIMORE COUNTY  
OF EYRING AVENUE \*  
(1300 OLD EASTERN AVENUE) \*  
15TH ELECTION DISTRICT \* CASE NO. 95-280-XA  
5TH COUNCILMANIC DISTRICT \*  
\* \* \* \* \*

## O P I N I O N

This matter comes to the Board on appeal by People's Counsel from the March 20, 1995 decision of the Deputy Zoning Commissioner wherein Petitioners' special exception and variances were granted. Petitioners presently own a Class A Group Child Care Center on the subject property which is located in a Residential Transition Area (RTA). They sought a special exception to operate a Class B Group Child Care Center and variances for various setback, buffer and lot size requirements.

John B. Gontrum appeared on behalf of the Petitioners, and Peter Max Zimmerman, People's Counsel for Baltimore County, participated in the proceedings. Gordon L. Harrison, Petitioner; and Donna Copp, a neighbor, testified on behalf of Petitioners. Neighbors Carville Lauenstein, Ferdinand R. Hock, Mary Hock and Pearl Puchalski testified as Protestants.

From the testimony and exhibits, the Board finds that Petitioners operate a child care center at the subject property and live directly across the street therefrom. Mr. Harrison intended to and has, in fact, maintained the property as a residence for his mother-in-law. Petitioners are seeking to expand to a Class B facility and thus be able to accept more children at the center. They are willing to limit the permissible amount of children to 24

FILE COPY

given the limited square footage of the building. The subject lot is substantially less than 1 acre in size and located in a heavily trafficked area. It is very similar in size and shape to most neighboring lots which sit on 1/4 to 1/3 of an acre.

Class B Group Child Care Centers as a whole are not permissive uses in a D.R. zone absent statute. In RTA's such as this, petitioners must proceed by special exception. Baltimore County Zoning Regulations (BCZR) Section 1B01.1B.1.g.(10a), while allowing special exceptions, nonetheless requires compliance with the bulk standards of Section 424.7. Class B Group Child Care Centers are permitted therein by special exception "provided that the Zoning Commissioner determines, during the special exception process, that the proposed improvements are planned in such a way that compliance with the bulk standards of Section 424.7 will be maintained...." (Emphasis added.) The fact that compliance with the bulk standards will not be maintained precludes the Board from granting the special exception.

Variances may be granted under Cromwell v. Ward, 102 Md.App. 691, 651 A.2d 424 (1995) only if strict application of the regulation, due to unique circumstances affecting the property, would result in peculiar and exceptional practical difficulties. The subject property is a parcel similar in shape, size and appearance to many other parcels in the area. Were this Board permitted, therefore, to consider the variance requests on their merits, it does not believe that Petitioners have demonstrated the requisite uniqueness sufficient for the granting of a variance. Further, Section 307.1 of the BCZR permits variances for unique sites where strict compliance with the zoning regulations would

result in practical difficulty or undue hardship. This property does have a use. Denying the variance thus does not result in practical difficulty or undue hardship within the contemplation of Section 307.1.

The Board, having so ruled, is not unmindful of the plight of citizens in need of day care. Rather, it does not believe it is at liberty to ignore what is clearly set forth in the law, even to further a noble end. If this ruling disserves the needs of the citizens in the Essex region, however, change must come from the legislative body.

O R D E R

THEREFORE, IT IS this 28th day of September, 1995 by the County Board of Appeals for Baltimore County

ORDERED that the Petition for Special Exception to permit a Class B Group Child Care Center on the subject property where there is an RTA be and is hereby DENIED; and it is further

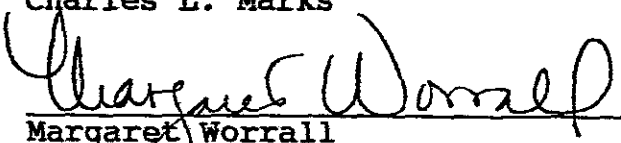
ORDERED that the requested variances seeking relief from the Baltimore County Zoning Regulations pertaining to setback, lot size and buffer requirements be and are hereby DENIED.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

  
Kristine K. Howanski, Acting Chairman

  
Charles L. Marks

  
Margaret Worrall



## Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL  
Room 47, Old Courthouse  
400 Washington Ave.  
Towson, MD 21204

(410) 887-2188

*Handwritten signature*  
10/25/95

PETER MAX ZIMMERMAN  
People's Counsel

November 6, 1995

CAROLE S. DEMILIO  
Deputy People's Counsel

Lawrence E. Schmidt, Esquire  
Baltimore County Zoning Commissioner  
Old Courthouse, Room 118  
400 Washington Avenue  
Towson, MD 21204

Hand-delivered

Re: Petition for Special Exception  
and Variance  
7435 Inwood Avenue, S/S Inwood Ave.,  
1050'± w from c/l Calvin Springs Court  
1st Election Dist., 1st Councilmanic  
PETITIONER: ESTATE OF NAOMI C. RITTER  
Raymond F. Ritter, P.R.  
Case No. 96-108-XA

Dear Mr. Schmidt:

Please note that this office has consistently submitted that combination requests for Special Exceptions and Variances to approve group child care centers in residential zones and/or Residential Transition Areas are inappropriate. The County Board of Appeals agreed with our position in the matter of the application of Gordon L. Harrison, et ux., Case No. 95-280-XA. A copy of the Board's September 28, 1995 Opinion in that case is enclosed.

Very truly yours,

*Peter Max Zimmerman*

Peter Max Zimmerman  
People's Counsel for Baltimore County

*Carole S. Demilio*

Carole S. Demilio  
Deputy People's Counsel

PMZ/caf  
Enclosure

cc: Anthony J. Vitti, Vitti & Assoc., Inc.,  
Representative for Petitioner

# LAUENSTEIN & LAUENSTEIN

ATTORNEYS AT LAW  
First National Bank Building  
809 Eastern Boulevard  
Essex, Maryland 21221

NORMAN W. LAUENSTEIN  
DOUGLAS C. LAUENSTEIN  
MARY E. GEPHARDT

TELEPHONE  
(410)687-2299  
TELEFAX  
(410)687-2616

October 25, 1995

Baltimore County Department of  
Permits and Development Management  
Attn: Mr. Arnold Jablon  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

RE: 7435 Inwood Avenue  
Case No. 96-108-XA (Item 101)  
Owner: Raymond F. Ritter

Dear Mr. Jablon:

Please enter my appearance as attorney of record for Mr. Raymond F. Ritter for the above entitled matter which is scheduled for a hearing on October 25, 1995.

If you have any questions concerning this matter, please give my office a call.

Very truly yours,



Douglas C. Lauenstein

DCL:krk



PLEASE PRINT CLEARLY

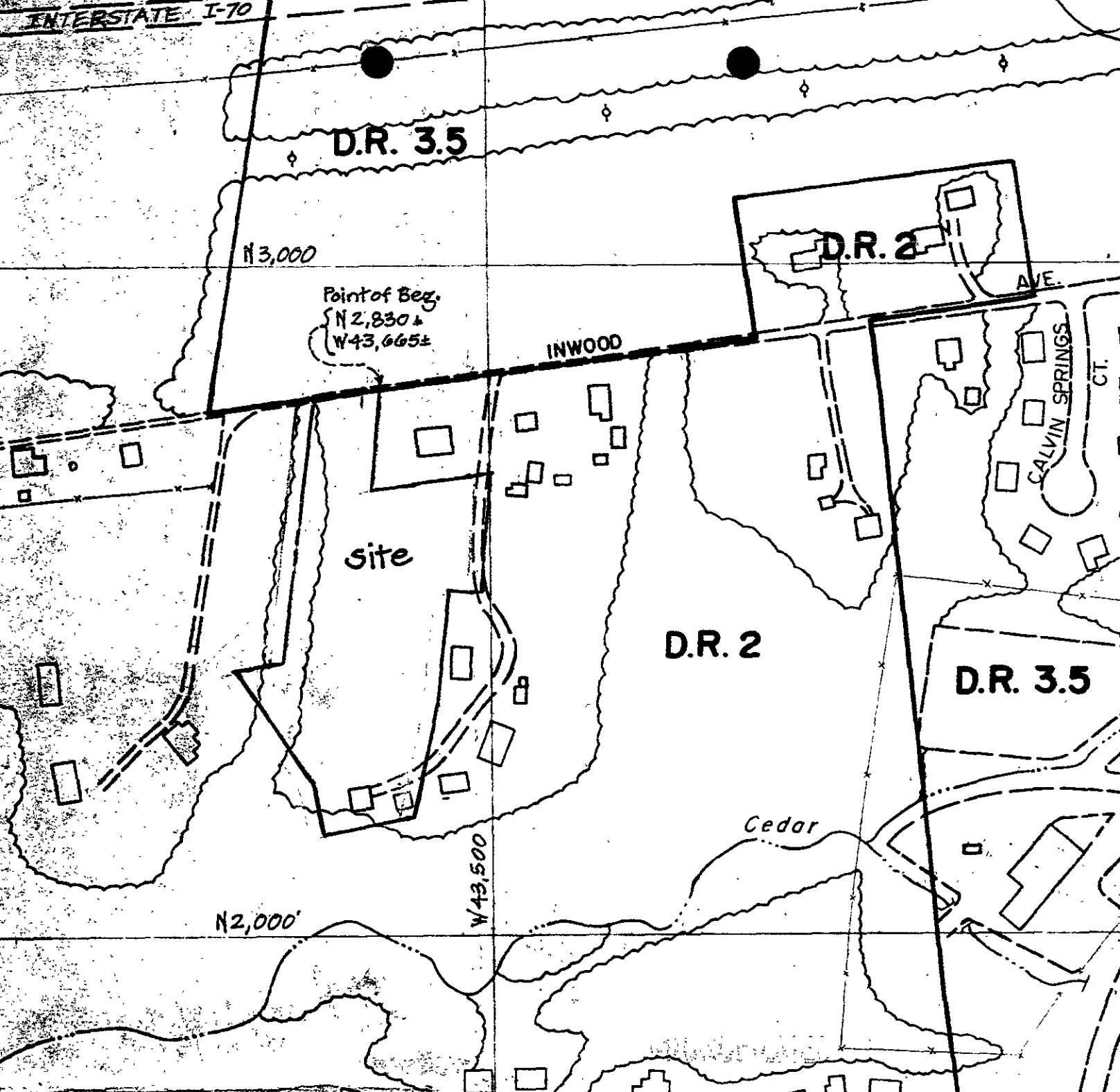
PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Douglas C. Lauenstein  
Stephen W. Ritter  
Doris J. Ritter  
Raymond F. Ritter

809 Eastern Blvd. Balto. MD 21221  
7435 Inwood Ave BALTO MD 21228  
7435 INWOOD AVE BALTO MD 21228  
7501 Inwood Ave BALTO MD 21228



|  |                      |                     |                         |
|--|----------------------|---------------------|-------------------------|
| PLANNING MAP<br>City Council<br>92,188-92,189-92 | SCALE<br>1" = 200' ± | LOCATION<br>BELMONT | SHEET<br>N. W.<br>I - H |
| DATE OF PHOTOGRAPHY<br>JANUARY 1986              | 101                  | AREA                | IRON BOAT               |

94-12 Ritter Daycare

Mr. & Mrs Steven Ritter  
7435 Inwood Ave  
Baltimore, Md 21228

October 20, 1995

*Ref 1A*

Dear Doris and Steve,

To whom it may concern; this is to notify you both that we are more than happy with the impending opening of your day-care center. In fact we hope to enroll our child when he comes of age. The location is great because it is off the beaten path which makes it safe from passersby. The surrounding houses are not on top of each other so there will be minimal noise disturbance and the environment surrounding the center will provide a much needed learning experience full of nature.

We do not foresee any problems as neighbors. We wish the both of you the best in your new adventure.

Sincerely,

*Mia and John Antonelli*

Mia and John Antonelli  
7427 Inwood Ave  
Baltimore, MD 21228  
744-5471

*10/20/95*

|      |             |               |
|------|-------------|---------------|
| Date | Prepared By | Work Paper No |
|      | Reviewed By |               |

To Whom it may concern:

8-23-95

Doris Ritter has been my daycare provider for approximately 2 years. I am very happy with the relationship we have and look forward to the opening of the daycare center. I live very close to Doris and have never had any kind of problems getting to the house. It is very convenient to me since it is so close and access to her house has never been an issue.

Sincerely,

Joan Payne

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October 5, 1995

To Whom It May Concern:

This letter is to summarize our feelings and experiences with the day care services Doris Ritter provides. We have had our oldest child in the full time care of Doris Ritter since February of 1992, 11 weeks after he was born. While leaving your child with a total stranger can be a very difficult thing for a parent to do, we have had complete trust in Doris and the loving care she has provided since the very first time we met her. Her calm, patient approach to almost everything has taught us a lot and our children even more.

In July of 1993 our second child also began being cared for by Doris. They both love and truly enjoy the time they spend with her.

Her day care center location allows the children to be outside a lot where they love to be. There is very minimal traffic on the road to her house and the house is set back away from the danger of street traffic. This is very comforting for us.

As a result of the positive, loving, caring, encouraging and comforting environment Doris and her family has provided we have been able to continue to both hold full-time jobs. I do not ever recall an occasion where I found myself worrying about the children or wondering about their well being. From the first time I met Doris I really felt like I had gained a new relative.

I feel very confident that her learning center would very quickly become one of the most demanded facilities around. She would provide nothing but the best in all aspects concerning the children. We truly appreciate all she does for us and most importantly for our children. We were very fortunate to have found Doris to take care of our children some 3 1/2 years ago. We have been so pleased with her that we have recommended her to our closest friends. Their son was in Doris's care for several months when they lived in Maryland. They feel the same way we do about her and her day care center.

Should you need any additional information or clarification on anything, please feel free to contact us at the enclosed address and/or telephone number(s).

Very truly yours,

*Weston & Brenda Nicolls*

Weston and Brenda Nicolls

1 Dungarrie Road  
Catonsville, MD 21228  
(410) 744-0363-home  
(410) 625-7372-Brenda's work  
(410) 859-4463-Weston's work

*Ref 14*

To: To Whom It May Concern

From: Rebecca Belt

Date: September 12, 1995

Sub: Day Care Center

I have been a client of Doris Ritter for approximately two years. I have two daughters in Doris' care two days per week. I am writing this memo with regard to the stone driveway and its affect on the quality of care provided to my children.

The stone driveway has never been a hindrance to my van/car nor to my children when they take walks with Doris. In fact, I prefer the stone driveway to a hard asphalt pavement in which my child may hurt themselves if they fall.

In addition, the stone driveway adds to ambiance of a home, off the main road, in a farm setting which was the main attraction to my husband and I when choosing Doris' day care services.

I personally would think it unnecessary to asphalt the current driveway.

Pet  
ID

OCTOBER 22, 1995

TO WHOM IT MAY CONCERN,

I AM WRITING THIS LETTER IN REGARDS TO THE PROPOSED NEW DAY CARE FACILITY ON DORIS RITTER'S PROPERTY.

I HAVE BEEN A CLIENT OF MRS. RITTER'S FOR APPROXIMATELY ONE YEAR. WE LIVE A FEW MILES FROM HER HOME AND HAVE FOUND HER LOCATION VERY CONVENIENT. WHAT I ENJOY MOST ABOUT HER PROPERTY IS THE FACT THAT IT IS LOCATED A GOOD DISTANCE FROM THE ROAD. I FIND GREAT SECURITY IN KNOWING THAT THE CHILDREN CAN PLAY IN A SAFER LOCATION WITH OUT THE DANGERS OF BEING LOCATED DIRECTLY ON THE ROAD. I HAVE FOUND NO INCONVENIENCE FROM THE LONG DRIVEWAY, THERE IS PLENTY OF ROOM TO PARK AND PLENTY OF ROOM TO PULL OVER IN A TWO WAY TRAFFIC SITUATION. I FEEL THAT MRS RITTER'S DAYCARE BUSINESS WITH ITS RURAL SETTING TO BE A REAL PLUS AND UNIQUELY DIFFERENT THAN OTHER DAY CARE FACILITIES IN THE AREA.

SINCERELY,

MIKE DEFLORE

pet  
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ORIGINAL

IN RE: PETITIONS FOR SPECIAL EXCEPTION \* BEFORE THE  
AND VARIANCE - S/S Inwood Avenue, \* ZONING COMMISSIONER  
1050'W of Calvin Springs Court \* (7435 Inwood Avenue)  
1st Election District \* OF BALTIMORE COUNTY  
1st Councilmanic District \* Case No. 96-108-XA  
Raymond F. Ritter, Pers. Repr. for  
the Estate of Naomi C. Ritter - Petitioner

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 7435 Inwood Avenue, located in the vicinity of Johnnycake road in Catonsville. The Petitions were filed by Raymond F. Ritter, as Personal Representative for the Estate of Naomi C. Ritter, owner of the property. The Petition, as filed, seeks a special exception for a Class A Group Child Care Center for less than 40 children in a Residential Transition Area (RTA), pursuant to Section 424.6(A)(2) of the Baltimore County Zoning Regulations (B.C.Z.R.), and variance relief from Section 424.7(B) of the B.C.Z.R. to permit a side yard setback of 27 feet and a rear yard setback of 24 feet, both in lieu of the required 50 feet for each and to exclude the required 20-foot perimeter vegetative buffer, and from Section 424.1(B) of the B.C.Z.R. to permit a wood fence to be built along the rear property line with a setback of 0 feet in lieu of the required 20 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Raymond F. Ritter, Stephen W. and Doris J. Ritter, Proprietors of the proposed Child Care Center, and Douglas C. Lauenstein, Esquire, attorney for the Petitioner. There were no Protestants present.

An examination of the language within the subject Petitions, when compared with the testimony and evidence offered at the hearing, discloses that the Petitions incorrectly characterized the actual relief being requested. Specifically, Mrs. Doris Ritter testified at the hearing that she proposes to provide a child care facility for up to 20 children, and estimated that approximately 15 to 20 children would be enrolled. A review of the Petition for Special Exception indicates that relief is being requested for a Class A Group Child Care Center for up to 40 children. Section 101 of the B.C.Z.R. defines words and phrases used throughout the regulations. A "group child care center" is defined as "a building or structure wherein care, protection and supervision is provided for part or all the day, on a regular schedule, at least twice a week, to at least nine (9) children, including children of the adult provider." A Class A Child Care Center is a facility which provides care for no more than 12 children. A Class B Center provides care for more than 12 children.

Based on the testimony offered by Mrs. Ritter, it is apparent that the relief requested within the Petition for Special Exception should be to allow a Class B facility, as opposed to a Class A facility. It is also apparent that Mrs. Ritter proposes a facility for more than 12 children.

The Petition for Special Exception is also flawed in identifying that Section of the regulations pursuant to which relief is being sought. The Petition cites Section 424.6(A)(2) as that Section of the B.C.Z.R. from which relief is being requested. An examination of that Section reveals, however, that same governs the appropriate signage and display requirements for Child Care Centers. Rather, it is Section 424.5(A) that is applicable. That Section indicates that special exception relief is required for Class A and Class B Child Care Centers in all D.R. zones,

when Residential Transition Area (RTA) requirements are applicable. Those requirements are set forth in Section 1801.1B of the B.C.Z.R. A review of that Section confirms that RTA requirements are applicable here, by virtue of the fact that the proposed building will be principally devoted to such use and that the subject and adjacent properties are zoned D.R. Thus, the Petition for Special Exception should be amended to request relief for a Class B Child Care Center, pursuant to Section 424.5(A) of the B.C.Z.R. Such amendment is hereby adopted and incorporated. An examination of the Petition for Variance shows that same properly cites the appropriate and applicable Sections of the B.C.Z.R. from which relief is being sought.

Turning to the merits of the case, testimony and evidence offered revealed that the subject property was formerly owned by Naomi Cornwaite Ritter, now deceased. In fact, an examination of the site plan shows that members of the Ritter family own a number of properties in this vicinity. The property consists of 2.3 acres, more or less, zoned D.R. 2 and is improved with a barn and a one-story dwelling, which was formerly used as a residence. The dwelling has been converted to provide child day care facilities. Vehicular access to this structure, which lies to the rear of the property, is by way of a 10-foot wide gravel driveway from Inwood Avenue. This driveway also serves other properties, including the dwelling known as 7435 Inwood Avenue, which is owned and occupied by Stephen and Doris Ritter, the proprietors of the proposed day care operation. As noted above, other members of the family, including Raymond F. Ritter and Helen E. Ritter, live nearby (7501 Inwood Avenue).

Mrs. Doris Ritter testified that she presently operates a day care center at 7435 Inwood Avenue. Currently, this facility accommodates nine (9) children. Not all of the children are full-time. Specifically,

she indicated that she is presently licensed for six (6) children and has no more than 6 at any given time. Ages of the children are primarily from 2 to 4 years; however, there are some older children before and after school hours. Several letters (Petitioners' Exhibits 1A through 1E), were offered in support of the Petition. Many of these letters are from clients of Mrs. Ritter who currently have children enrolled in her facility.

Despite the fact that the Petitions were unopposed, this Zoning Commissioner was troubled by the lack of specificity in the description of the proposed center. Definitive testimony was not offered as to how the program would be staffed, the precise number of children to be enrolled, etc. Although the Petitioners may well consider these issues as details to be worked out later, they are significant factors in considering the Petition for Special Exception. The Petition can only be granted upon a finding that the proposed use will not be detrimental to the health, safety or general welfare of the surrounding locale, in accordance with the standards set forth in Section 502.1 of the B.C.Z.R. Such a finding is difficult when the Petitioners' plans are not far enough advanced to provide this Hearing Officer with an understanding of the specifics of the project.

Moreover, this Zoning Commissioner must consider the language contained within the RTA statute. In residential transition areas such as this, Section 1801.1B.(g)(10.a) provides that Class B Child Care Centers are permitted by special exception, "provided that the Zoning Commissioner determines, during the special exception process, that the proposed improvements are planned in such a way that compliance with the bulk standards of Section 424.7 will be maintained..." (emphasis added).

ORDER RECEIVED FOR FILING  
Date 1/29/96  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 1/29/96  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 1/29/96  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 1/29/96  
By [Signature]

In Case No. 95-280-XA, the County Board of Appeals held that a requested variance from the bulk standards of Section 424.7 precludes the granting of a special exception. Although the Board's opinion is not legal precedent, it is nonetheless instructive. Moreover, even if one does not adopt the harsh interpretation adopted by the Board that the special exception must be precluded, the impact of Section 1801.1B.(g)(10.a) at the least, is that compelling circumstances must be demonstrated to permit deviation from the bulk standard requirements.

The record presented in this case shows that no such compelling circumstances were offered. The mere convenience of the Petitioners, as well as the existing use, do not, in my judgment, meet the criteria.

For these reasons, the Petition for Special Exception must be denied. Likewise, the Petition for Variance should not be granted. There has been no showing that the variances are justified under Cromwell v. Ward, 102 Md. App. 691 (1995), that requires a showing of unique circumstances affecting the subject property.

Pursuant to the advertising, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of January, 1996 that the Petition for Special Exception seeking approval for a Class A Group Child Care Center for less than 40 children in a Residential Transition Area (RTA), pursuant to Section 424.6(A)(2) of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 424.7(B) of the B.C.Z.R. to permit a side yard setback

of 27 feet and a rear yard setback of 24 feet, both in lieu of the required 50 feet for each and to exclude the required 20-foot perimeter vegetative buffer, and from Section 424.1(B) of the B.C.Z.R. to permit a wood fence to be built along the rear property line with a setback of 0 feet in lieu of the required 20 feet, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

LES:bjs

*Lawrence E. Schmidt*  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County



Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-4386

January 22, 1996

Douglas C. Lauenstein, Esquire  
809 Eastern Boulevard  
Baltimore, Maryland 21221

PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE  
S/S Inwood Avenue, 1050'W of Calvin Springs Court  
(7435 Inwood Avenue)  
1st Election District - 1st Councilmanic District  
Raymond F. Ritter, Personal Representative for  
the Estate of Naomi C. Ritter - Petitioner  
Case No. 96-108-XA

Dear Mr. Lauenstein:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3991.

Very truly yours,

*Lawrence E. Schmidt*  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

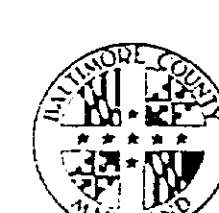
LES:bjs

cc: Mr. Raymond F. Ritter  
7501 Inwood Avenue, Catonsville, Md. 21228

Mr. & Mrs. Stephen Ritter  
7435 Inwood Avenue, Catonsville, Md. 21228

People's Counsel

File



## Petition for Special Exception to the Zoning Commissioner of Baltimore County

for the property located at #7435 Inwood Avenue  
which is presently zoned D.R.-2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for:

Class A - Group Child Care Center for less than 40 children in a Residential Transition Area, (B.C.Z.R. Section 424.6 (A) (2)).

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County, adopted pursuant to the Zoning Law for Baltimore County.

Signature of Petitioner

Name of Petitioner

Address

City

State

Zip

Phone No.

Name of Representative

Address

City

State

Zip

Phone No.

Mr. Raymond F. Ritter, Personal Representative of the Estate of Naomi Cornwaite Ritter

7435 Inwood Avenue (See Petition - Circuit Court)

Raymond F. Ritter

7435 Inwood Avenue

Catonsville, Md. 21228

Anthony J. Vitti

Vitti & Associates, Inc.

1717 York Road

Etherville, Md. 21093

ESTIMATED COST OF HEARING

ALL

OTHER

DATE 9-1-95

ORDER RECEIVED FOR FILING  
Date 1/29/96  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 1/29/96  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 1/29/96  
By [Signature]





# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at #7435 Inwood Avenue  
which is presently zoned D.R.-2

This Petition shall be filed with the Office of Zoning Administration & Development Management.  
The undersigned, legal owner(s) of the property, hereby petition for a Variance from Section(s)

See Attached

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Hardship To be established at Hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Person/Owner

(Type or Print Name)

Signature

Address

City

State

Zip

Phone

Business Hours

Other

Printed with Signature on Requested Paper

Date

By

Under the authority of the Zoning Act and Regulations of Baltimore County, the undersigned, legal owner(s) of the property, hereby petition for a Variance from Section(s)

Mr. Raymond F. Ritter, Personal Representative of the Estate of

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## Vitti & Associates, Inc.

Engineering & Surveying  
1717 York Road, Suite 102 - Lutherville, Maryland 21093  
(410) 252-5212

Petition for Variance  
#7435 Inwood Avenue

Requested Relief:

- 1) Petition for a Variance from the Baltimore County Zoning Regulations, Section 424.7(B) to allow a sideyard setback of 27' in lieu of the required 50' setback and a variance from the same section to exclude the required 20' perimeter vegetative buffer.
- 2) Petition for a Variance from the Baltimore County Zoning Regulations, Section 424.7(B) to allow a rear yard setback of 24' in lieu of the required 50' setback and a Variance from the same section to exclude the required 20' vegetative buffer.
- 3) Petition for a Variance from the Baltimore County Zoning Regulations, Section 424.1(B) to allow a wood fence to be built along the rear property line at a setback of 0' to the property line in lieu of the required 20'.

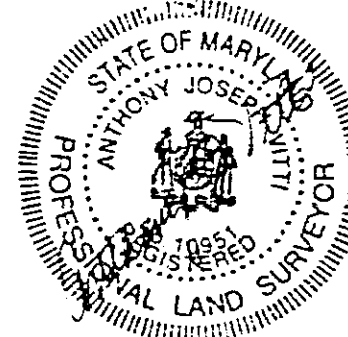
## Vitti & Associates, Inc.

Engineering & Surveying  
1717 York Road, Suite 102 - Lutherville, Maryland 21093  
(410) 252-5212  
Zoning Description #7435 Inwood Avenue  
1st Election District  
Baltimore County, Md.

Beginning for the same at a point 1050 feet, more or less, westerly from the centerline of Calvin Springs Court, thence:  
1) South 04 Degrees 34 Minutes 25 Seconds West, 150.00 feet;  
2) North 82 Degrees 49 Minutes 25 Seconds East, 180.00 feet;  
3) Southerly 183.00 feet;  
4) Westerly 50.00 feet;  
5) Southerly 166.72 feet;  
6) South 20 Degrees 02 Minutes 38 Seconds West, 172.40 feet;  
7) South 77 Degrees 20 Minutes 19 Seconds West, 137.17 feet;  
8) North 11 Degrees 13 Minutes 16 Seconds West, 88.31 feet;  
9) North 34 Degrees 34 Minutes 03 Seconds West, 195.70 feet;  
10) North 81 Degrees 32 Minutes 17 Seconds East, 130.00 feet;  
11) North 07 Degrees 21 Minutes 17 Seconds East, 394.66 feet;  
12) South 82 Degrees 49 Minutes 25 Seconds West, 137.15 feet;  
13) North 14 Degrees 06 Minutes 24 Seconds East, 10.08 feet;  
14) North 82 Degrees 49 Minutes 25 Seconds East, 237.10 feet to the point of beginning.

Containing approximately 2.30 Acres, more or less.

Being a remainder parcel from a deed dated June 9, 1947, from Mary J. Ritter to Lawrence T. Ritter and Naomi C. Ritter and recorded among the Land Records of Baltimore County, Maryland 1b Liber 1573, Folio 105.



## CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 101 Date of Posting: 9/13/95  
Posted for: Special Exception Hearing  
Petitioner: Raymond F. Ritter & Estate of Naomi C. Ritter  
Location of property: 7435 Inwood Ave.  
Location of Sign: 7435 Inwood Ave. (see petition)  
Remarks:  
Posted by: [Signature] Date of return: 9/13/95  
Number of Signs: 1

## CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/29, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/28, 1995.

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

### NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204 as follows:

Case No. 96-108-XA  
Special Exception for a Class A group child care center for less than 40 children in a Residential Transition Area. Variance to allow a side yard setback of 27 feet in lieu of the required 50-foot setback and to exclude the required 20-foot perimeter vegetative buffer; to allow a rear yard setback of 24 feet in lieu of the required 50-foot setback and to exclude the required 20-foot vegetative buffer; and to allow a wood fence to be built along the rear property line at a setback of zero feet to the property line in lieu of the required 20 feet.

Special Exception for a Class A group child care center for less than 40 children in a Residential Transition Area. Variance to allow a side yard setback of 27 feet in lieu of the required 50-foot setback and to exclude the required 20-foot perimeter vegetative buffer; to allow a rear yard setback of 24 feet in lieu of the required 50-foot setback and to exclude the required 20-foot vegetative buffer; and to allow a wood fence to be built along the rear property line at a setback of zero feet to the property line in lieu of the required 20 feet.

Special Exception for a Class A group child care center for less than 40 children in a Residential Transition Area. Variance to allow a side yard setback of 27 feet in lieu of the required 50-foot setback and to exclude the required 20-foot perimeter vegetative buffer; to allow a rear yard setback of 24 feet in lieu of the required 50-foot setback and to exclude the required 20-foot vegetative buffer; and to allow a wood fence to be built along the rear property line at a setback of zero feet to the property line in lieu of the required 20 feet.

Special Exception for a Class A group child care center for less than 40 children in a Residential Transition Area. Variance to allow a side yard setback of 27 feet in lieu of the required 50-foot setback and to exclude the required 20-foot perimeter vegetative buffer; to allow a rear yard setback of 24 feet in lieu of the required 50-foot setback and to exclude the required 20-foot vegetative buffer; and to allow a wood fence to be built along the rear property line at a setback of zero feet to the property line in lieu of the required 20 feet.

Special Exception for a Class A group child care center for less than 40 children in a Residential Transition Area. Variance to allow a side yard setback of 27 feet in lieu of the required 50-foot setback and to exclude the required 20-foot perimeter vegetative buffer; to allow a rear yard setback of 24 feet in lieu of the required 50-foot setback and to exclude the required 20-foot vegetative buffer; and to allow a wood fence to be built along the rear property line at a setback of zero feet to the property line in lieu of the required 20 feet.

### ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

#### PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

*Carl Jahn*  
ARNOLD JAHN, DIRECTOR

#### For newspaper advertising:

Item No.: 101  
Petitioner: Ray Ritter  
Location: 7435 Inwood Ave.  
PLEASE FORWARD ADVERTISING BILL TO:  
NAME: Ray Ritter  
ADDRESS: 7501 Inwood Ave.  
Catonsville Md. 21228  
PHONE NUMBER: 3 744-3874

Ad/ggs  
(Revised 04/09/93)

TO: PETITIONER PUBLISHING COMPANY  
September 28, 1995 Issue - Jeffersonian

Please forward billing to:

Ray Ritter  
7501 Inwood Avenue  
Catonsville, MD 21228  
744-3874

### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-108-XA (Item 101)

7435 Inwood Avenue

S/S Inwood Avenue, 1050' +/- westerly from c/l Calvin Springs Court

1st Election District - 1st Councilmanic

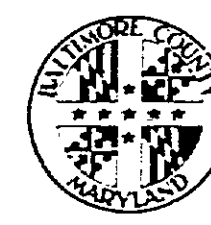
Legal Owner: Raymond F. Ritter, P.R. Estate Naomi Cornwalte Ritter

HEARING: WEDNESDAY, OCTOBER 25, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Exception for a Class A group child care center for less than 40 children in a Residential Transition Area. Variance to allow a side yard setback of 27 feet in lieu of the required 50-foot setback and to exclude the required 20-foot perimeter vegetative buffer; to allow a rear yard setback of 24 feet in lieu of the required 50-foot setback and to exclude the required 20-foot vegetative buffer; and to allow a wood fence to be built along the rear property line at a setback of zero feet to the property line in lieu of the required 20 feet.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 867-3353.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

September 21, 1995

### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 96-108-XA (Item 101)

7435 Inwood Avenue

S/S Inwood Avenue, 1050' +/- westerly from c/l Calvin Springs Court

1st Election District - 1st Councilmanic

Legal Owner: Raymond F. Ritter, P.R. Estate Naomi Cornwalte Ritter

HEARING: WEDNESDAY, OCTOBER 25, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Exception for a Class A group child care center for less than 40 children in a Residential Transition Area. Variance to allow a side yard setback of 27 feet in lieu of the required 50-foot setback and to exclude the required 20-foot perimeter vegetative buffer; to allow a rear yard setback of 24 feet in lieu of the required 50-foot setback and to exclude the required 20-foot vegetative buffer; and to allow a wood fence to be built along the rear property line at a setback of zero feet to the property line in lieu of the required 20 feet.

*Carl Jahn*  
Director

Raymond Ritter  
Anthony J. Vitti

NOTES: (1) HEARING SIGN & POST MUST BE DESIGNED TO 104, 111 W. CHESAPEAKE AVENUE OF THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 867-3353.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

October 17, 1995

Mr. R. F. Ritter  
7501 Inwood Avenue  
Catonsville, Maryland 21228

RE: Item No.: 101  
Case No.: 96-108-XA  
Petitioner: Estate of N. C. Ritter

Dear Mr. Ritter:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 1, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all



BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Sept. 18, 1995  
Zoning Administration and Development Management  
FROM: Robert W. Bowling, P.E., Chief  
Development Plans Review Division  
RE: Zoning Advisory Committee Meeting  
for September 18, 1995  
Item No. 101

The Development Plans Review Division has reviewed the subject zoning item. Inwood Avenue is an existing road, which shall ultimately be improved as a 30-foot street cross-section on a 50-foot right-of-way. Show the ultimate right-of-way on the plan.

The private rights-of-way shall contain a 12-foot wide paved driveway per Dept. of Public Works Standard Plate R-47 and a paved tee turnaround.

This office supports the request to variance the 20-foot vegetative buffer and allow the wood fence to be built along the rear property line.

RNB:sw

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 25, 1995  
Permits and Development  
Management  
FROM: Pat Keller, Director  
Office of Planning  
SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item No. 101

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey W. Long*

Division Chief: *Carol K...*

PK/JL

ITEM101/PZONE/ZAC1

Baltimore County Government  
Fire Department

700 East Joppa Road, Suite 900  
Towson, MD 21286-4500

(410) 887-4500

DATE: 09/12/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: RAYMOND F. RITTER, PERSONAL REPRESENTATIVE OF THE  
NAOMI CORNWALTE RITTER  
LOCATION: S/S INWOOD AVE., 1050' +/- WESTERLY FROM CENTERLINE  
CALVIN SPRINGS CT. (7435 INWOOD AVE.)

Item No.: 101 Zoning Agenda: SPECIAL EXCEPTION/VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

: File

RECEIVED  
SEP 19 1995



Maryland Department of Transportation  
State Highway Administration

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 101 (JCM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*for Bob Small*  
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2256 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

PETITION PROBLEMS

#33 --- JRE

- Notary section is incomplete/incorrect.

#94 --- JRA

- No telephone number for legal owner.

#97 --- JRA

- No review information on bottom of petition form.

#98 --- JJS/JLL

- No telephone number for legal owner.

#99 --- RT

- Not marked "Critical Area".

#101 --- JCM

- Need authorization for power of attorney from Register of Wills. (Petition for Commissions is signed by the personal representative, not the court. Also, the first page is cut off at the bottom.)

RE: PETITION FOR SPECIAL EXCEPTION \* BEFORE THE  
PETITION FOR VARIANCE \* ZONING COMMISSIONER  
7435 Inwood Avenue, S/S Inwood Avenue, \*  
1050' +/- w from c/l Calvin Springs Court \* OF BALTIMORE COUNTY  
1st Election District, 1st Councilmanic \*  
Raymond F. Ritter, P.R. of the \* CASE NO. 96-108-XA  
Estate of Naomi Cornwalte Ritter \*  
Petitioner \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Charles S. Denilio*  
CAROLE S. DENILIO  
Deputy People's Counsel  
Room 41, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of October, 1995, a copy of the foregoing Entry of Appearance was mailed to Anthony J. Vittl, Vittl & Associates, Inc., 1717 York Road, Lutherville, MD 21093, representative for the Petitioners.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN

000003 '00 09:04

P.01

IN THE MATTER OF THE \* IN THE ORPHANS' COURT  
ESTATE OF \* FOR  
NAOMI CORNWALTE RITTER \* BALTIMORE COUNTY  
\* \* \* \* \*

PETITION FOR COMMISSIONS

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The Petition of Raymond F. Ritter, Personal Representative of the Estate of NAOMI CORNWALTE RITTER, deceased, respectfully shows unto your Honors:

- That your Petitioner was appointed Personal Representative of the Estate of Naomi Cornwalte Ritter, deceased, by this Court on March 24, 1986.

- That the services performed by the Personal Representative in connection with the administration of the Estate include the following:

- Prepared and filed with the Register of Wills a Petition for Probate as well as the Acceptance of Appointment and Consent to Service.

- Arranged for the Grant of Letters appointing your Petitioner as Personal Representative.

- Arranged for the insertion in THE JEFFERSONIAN of the Appointment of your Petitioner as Personal Representative and filed with the Register of Wills a Certification of Publication of said Notice of Appointment.

- Furnished the Register of Wills with a list of persons interested in the Estate together with their mailing addresses.

- Prepared and filed an Information Permit with the Register of Wills.

- Prepared and filed, with payment, the Joint Accounts, on jointly owned bank accounts.

and, if requested, including where possible all the

APPLICATION FOR CHILD CARE CENTER

USE PERMIT

This Use Permit is requested in accordance with Sections 424.5 and 500.4 of the Baltimore County Zoning Regulations.

Proposed Child Care Center Location:

Election District 1st  
Subdivision Catonsville  
Street Address 7435 Inwood Ave.  
Lot Number 15  
\*If no lot or block number, give distance to nearest intersecting street 1050 feet, north / south / east / west of Calvin Springs Court  
Lot Size 260 x 450 Street / Road / Avenue

Existing Nearest Child Care Center Location: (lot number, street address, etc.)

General Information:

- Name and Address of Applicant/Operator  
Stephen W. & Doris J. Ritter  
7435 Inwood Avenue  
Catonsville, Md. 21228
- Number of Employees 2 Telephone Number 743-1000  
Days of Week 5 Hours of Operation 7 AM to 6 PM
- Number of Children Enrolled 20
- Estimated Amount of Traffic Generated:  
Morning 15  
Afternoon 15
- Site Plan, drawn to scale, indicating location and type of structure on lot in question, location and dimensions of play parking area(s) arrangement, and proximity of dwellings on adjacent lots must accompany this Use Permit  
Snapshot of the Structure

I am aware that the zoning regulations require that the above property be posted for a period of thirty (30) days prior to the Zoning Commissioner taking any action, that said posting (sign) shall include information relative to the number of children, hours of operation, and number of employees, and that I am responsible for, and hereby agree, to pay expenses for all posting, advertising, and filing fees.

*Anthony J. Vittl agent for*  
Applicant's Signature  
*Vittl & Associates, Inc. Stephen & Doris Ritter*



# FILE COPY

IN THE MATTER OF THE APPLICATION OF GORDON L. HARRISON, ET UX FOR A SPECIAL EXCEPTION AND VARIANCES ON PROPERTY LOCATED ON THE NORTH SIDE OLD EASTERN AVENUE, 25' E OF CENTERLINE OF EYRING AVENUE (1300 OLD EASTERN AVENUE) 15TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

CASE NO. 95-280-XA

## OPINION

This matter comes to the Board on appeal by People's Counsel from the March 20, 1995 decision of the Deputy Zoning Commissioner wherein Petitioners' special exception and variances were granted. Petitioners presently own a Class A Group Child Care Center on the subject property which is located in a Residential Transition Area (RTA). They sought a special exception to operate a Class B Group Child Care Center and variances for various setback, buffer and lot size requirements.

John B. Gontrum appeared on behalf of the Petitioners, and Peter Max Zimmerman, People's Counsel for Baltimore County, participated in the proceedings. Gordon L. Harrison, Petitioner; and Donna Copp, a neighbor, testified on behalf of Petitioners. Neighbors Carville Lauenstein, Ferdinand R. Hock, Mary Hock and Pearl Puchalski testified as Protestants.

From the testimony and exhibits, the Board finds that Petitioners operate a child care center at the subject property and live directly across the street therefrom. Mr. Harrison intended to and has, in fact, maintained the property as a residence for his mother-in-law. Petitioners are seeking to expand to a Class B facility and thus be able to accept more children at the center. They are willing to limit the permissible amount of children to 24



### Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse  
400 Washington Ave.  
Towson, MD 21204

(410) 857-2188

PETER MAX ZIMMERMAN  
People's Counsel

November 6, 1995

CAROLE S. DEMILIO  
Deputy People's Counsel

Lawrence E. Schmidt, Esquire  
Baltimore County Zoning Commissioner  
Old Courthouse, Room 118  
400 Washington Avenue  
Towson, MD 21204

Hand-delivered

Re: Petition for Special Exception and Variance  
7435 Inwood Avenue, S/S Inwood Ave.,  
1050'± W from c/l Calvin Springs Court  
1st Election Dist., 1st Councilmanic  
PETITIONER: ESTATE OF NAOMI C. RITTER  
Raymond F. Ritter, P.R.  
Case No. 95-108-XA

Dear Mr. Schmidt:

Please note that this office has consistently submitted tha combination requests for Special Exceptions and Variances to approve group child care centers in residential zones and/or Residential Transition Areas are inappropriate. The County Board of Appeals agreed with our position in the matter of the application of Gordon L. Harrison, et ux., Case No. 95-280-XA. A copy of the Board's September 28, 1995 Opinion in that case is enclosed.

Very truly yours,

*Peter Max Zimmerman*  
Peter Max Zimmerman  
People's Counsel for Baltimore County

*Carole S. Demilio*  
Carole S. Demilio  
Deputy People's Counsel

FWZ/cdf  
Enclosure

cc: Anthony J. Vitti, Vitti & Assoc., Inc.,  
Representative for Petitioner

### LAUENSTEIN & LAUENSTEIN

ATTORNEYS AT LAW  
First National Bank Building  
809 Eastern Boulevard  
Essex, Maryland 21221

NORMAN W. LAUENSTEIN  
DOUGLAS C. LAUENSTEIN  
MARY E. GEPHARDT

TELEPHONE  
(410) 647-2299  
TELEFAX  
(410) 647-2016

October 25, 1995

Baltimore County Department of  
Permits and Development Management  
Attn: Mr. Arnold Jablon  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

RE: 7435 Inwood Avenue  
Case No. 95-108-XA (Item 101)  
Owner: Raymond F. Ritter

Dear Mr. Jablon:

Please enter my appearance as attorney of record for Mr. Raymond F. Ritter for the above entitled matter which is scheduled for a hearing on October 25, 1995.

If you have any questions concerning this matter, please give my office a call.

Very truly yours,

*Douglas C. Lauenstein*  
Douglas C. Lauenstein

DCL:krk

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

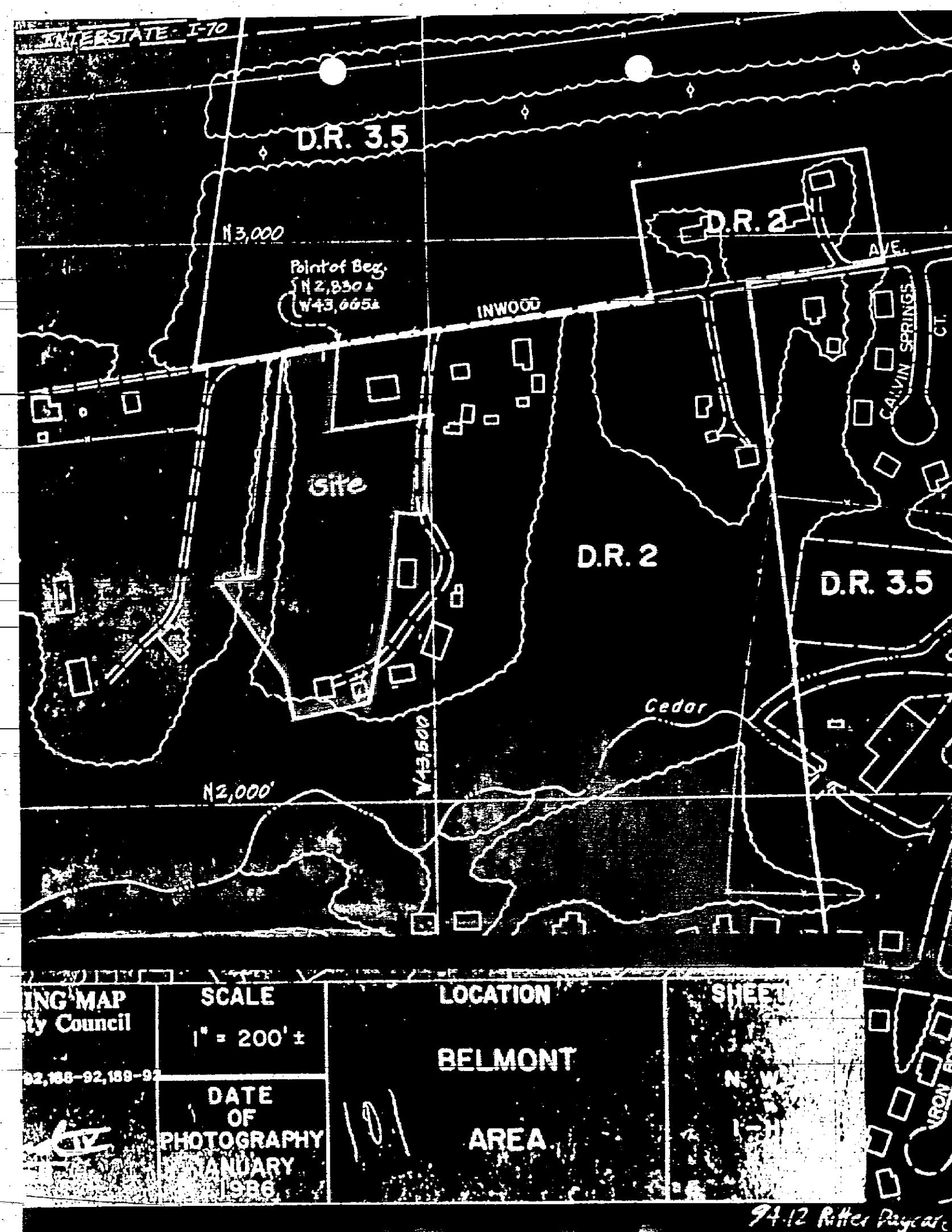
NAME

ADDRESS

*Douglas C. Lauenstein*  
*Stephen W. Ritter*  
*Doris J. Ritter*  
*Raymond F. Ritter*

*817 Eastern Blvd. Balt. MD 21221*  
*7435 Inwood Ave. Balt. MD 21208*  
*7435 Inwood Ave. Balt. MD 21208*  
*7501 Inwood Ave. Balt. MD 21208*

FILE COPY





Mr & Mrs Steven Ritter  
7415 Inwood Ave  
Baltimore, Md 21228

October 20, 1995

Dear Doris and Steve:

To whom it may concern, this is to notify you both that we are more than happy with the impending opening of your day-care center. In fact we hope to enroll our child when he comes of age. The location is great because it is off the beaten path which makes it safe from passersby. The surrounding houses are not on top of each other so there will be minimal noise disturbance and the environment surrounding the center will provide a much needed learning experience full of nature.

We do not foresee any problems as neighbors. We wish the both of you the best in your new adventure.

Sincerely,

Mia and John Antinelli  
Mia and John Antinelli  
7427 Inwood Ave  
Baltimore, MD 21228  
744-5471

To whom it may concern:

8-23-95

Doris Ritter has been my daycare provider for approximately 2 years. I am very happy with the relationship we have had. Look forward to the opening of the day care center. I live very close to Doris and have never had any kind of problems getting to the house. It is very convenient to me since it is so close and access to her house has never been an issue.

Sincerely,  
Joan Payne

Pet 10

October 5, 1995

To Whom It May Concern

This letter is to summarize our feelings and experiences with the day care services Doris Ritter provides. We have had our oldest child in the full time care of Doris Ritter since February of 1992, 11 weeks after he was born. While leaving your child with a total stranger can be a very difficult thing for a parent to do, we have had complete trust in Doris and the loving care she has provided since the very first time we met her. Her calm, patient approach to almost everything has taught us a lot and our children even more.

In July of 1993 our second child also began being cared for by Doris. They both love and truly enjoy the time they spend with her.

Her day care center location allows the children to be outside a lot where they love to be. There is very minimal traffic on the road to her house and the house is set back away from the danger of street traffic. This is very comforting for us.

As a result of the positive, loving, caring, encouraging and comforting environment Doris and her family has provided we have been able to continue to both hold full-time jobs. I do not ever recall an occasion where I found myself worrying about the children or wondering about their well being. From the first time I met Doris I really felt like I had gained a new relative.

I feel very confident that her learning center would very quickly become one of the most demanded facilities around. She would provide nothing but the best in all aspects concerning the children. We truly appreciate all she does for us and most importantly for our children. We were very fortunate to have found Doris to take care of our children some 3 1/2 years ago. We have been so pleased with her that we have recommended her to our closest friends. Their son was in Doris's care for several months when they lived in Maryland. They feel the same way we do about her and her day care center.

Should you need any additional information or clarification on anything, please feel free to contact us at the enclosed address and/or telephone number(s).

Very truly yours,

Weston: 1-410-463-1100

Weston and Brenda Nicolls

1 Dunganrie Road  
Catonsville, MD 21228  
(410) 744-0363-home  
(410) 625-7372-Brenda's work  
(410) 859-4463-Weston's work

Pet 10

To: To Whom It May Concern

From: Rebecca Belt

Date: September 12, 1995

Sub: Day Care Center

I have been a client of Doris Ritter for approximately two years. I have two daughters in Doris's care two days per week. I am writing this memo with regard to the stone driveway and its affect on the quality of care provided to my children.

The stone driveway has never been a hindrance to my van/car nor to my children when they take walks with Doris. In fact, I prefer the stone driveway to a hard asphalt pavement in which my child may hurt themselves if they fall.

In addition, the stone driveway adds to ambience of a home, off the main road, in a farm setting which was the main attraction to my husband and I when choosing Doris's day care services.

I personally would think it unnecessary to asphalt the current driveway.

Pet 10

TO WHOM IT MAY CONCERN,

OCTOBER 22, 1995

I AM WRITING THIS LETTER IN REGARDS TO THE PROPOSED NEW DAY CARE FACILITY ON DORIS RITTER'S PROPERTY.

I HAVE BEEN A CLIENT OF MRS. RITTER'S FOR APPROXIMATELY ONE YEAR. WE LIVE A FEW MILES FROM HER HOME AND HAVE FOUND HER LOCATION VERY CONVENIENT. WHAT I ENJOY MOST ABOUT HER PROPERTY IS THE FACT THAT IT IS LOCATED A GOOD DISTANCE FROM THE ROAD. I FIND GREAT SECURITY IN KNOWING THAT THE CHILDREN CAN PLAY IN A SAFER LOCATION WITH OUT THE DANGERS OF BEING LOCATED DIRECTLY ON THE ROAD. I HAVE FOUND NO INCONVENIENCE FROM THE LONG DRIVEWAY, THERE IS PLENTY OF ROOM TO PARK AND PLENTY OF ROOM TO PULL OVER IN A TWO WAY TRAFFIC SITUATION. I FEEL THAT MRS. RITTER'S DAYCARE BUSINESS WITH ITS RURAL SETTING TO BE A REAL PLUS AND UNIQUELY DIFFERENT THAN OTHER DAY CARE FACILITIES IN THE AREA.

Sincerely,

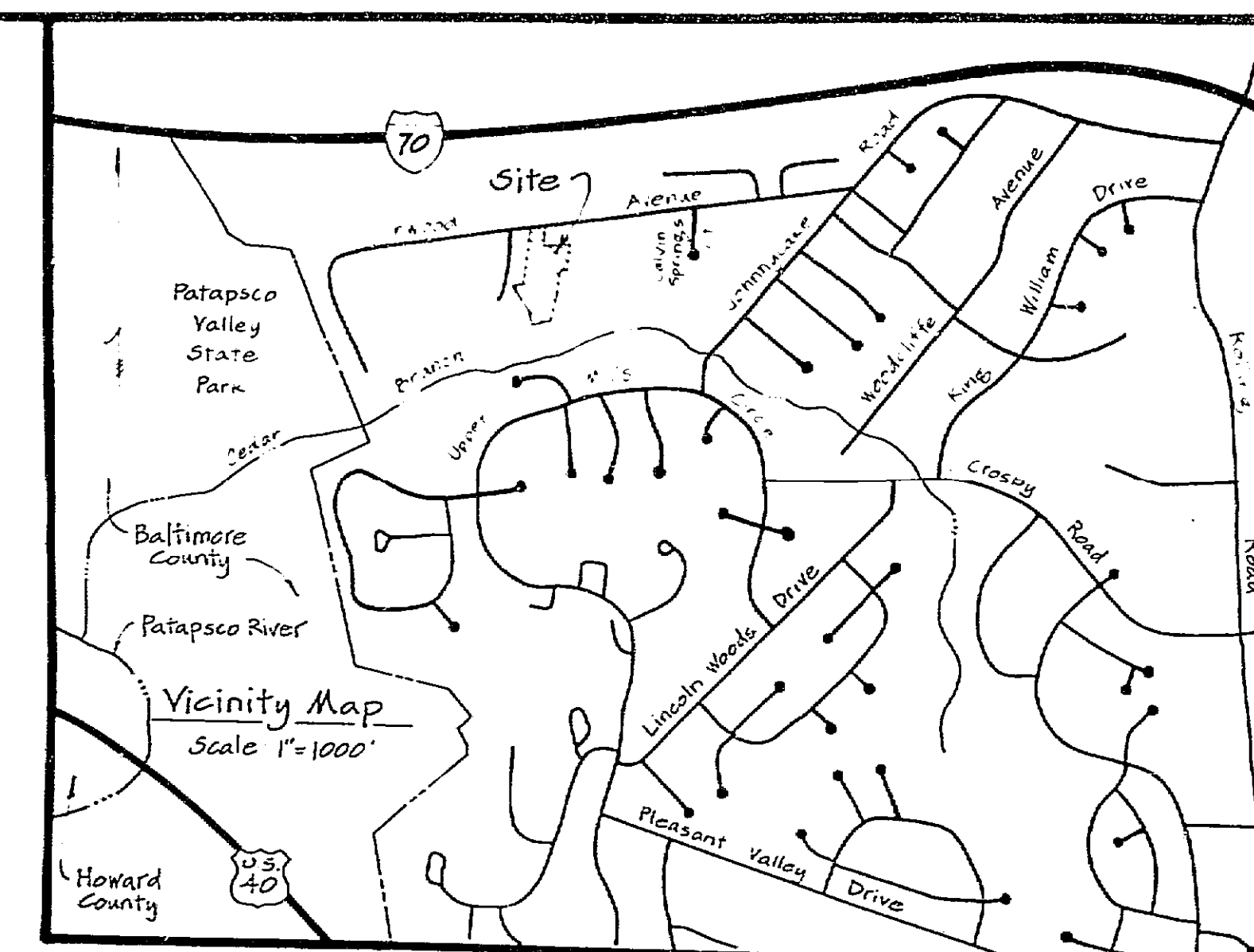
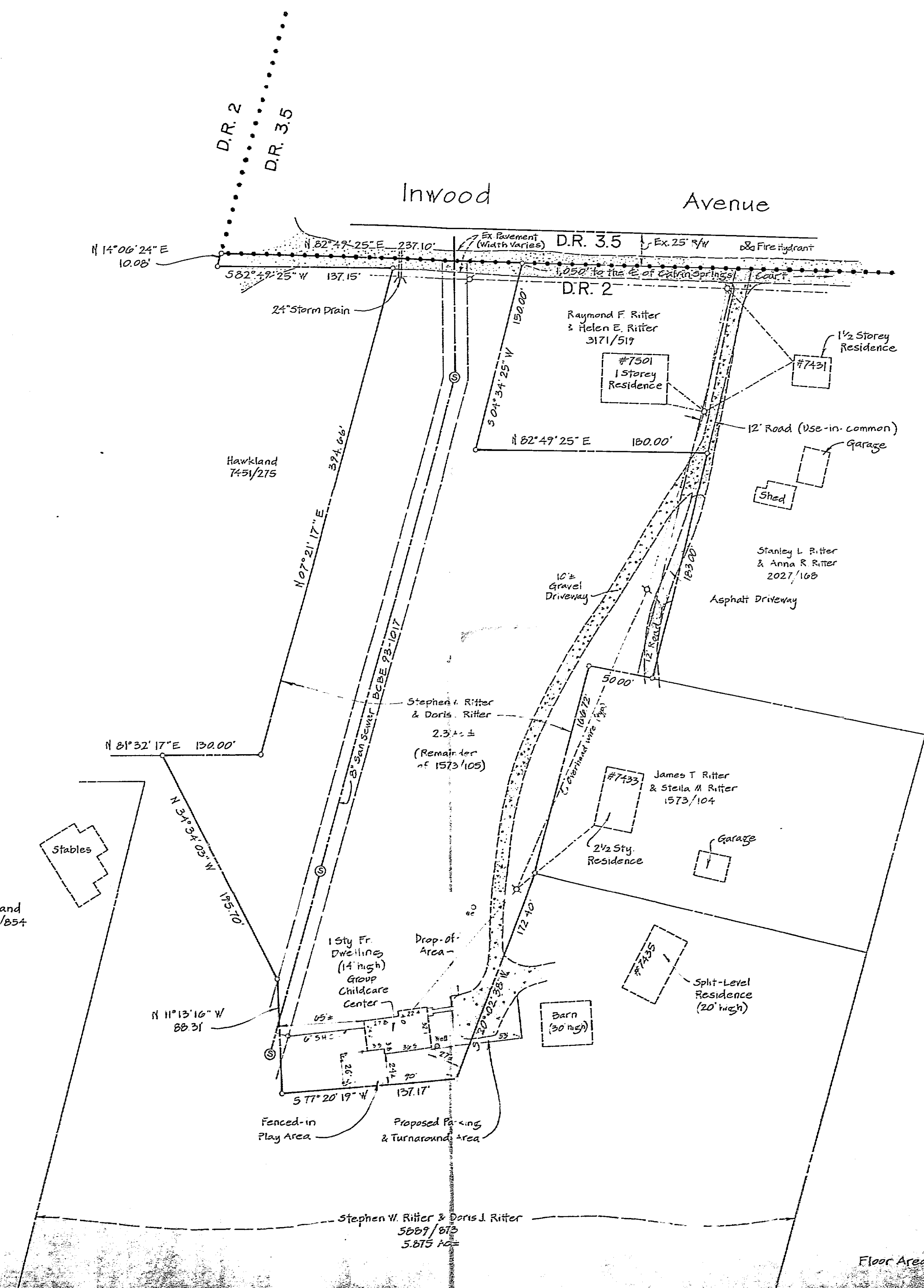
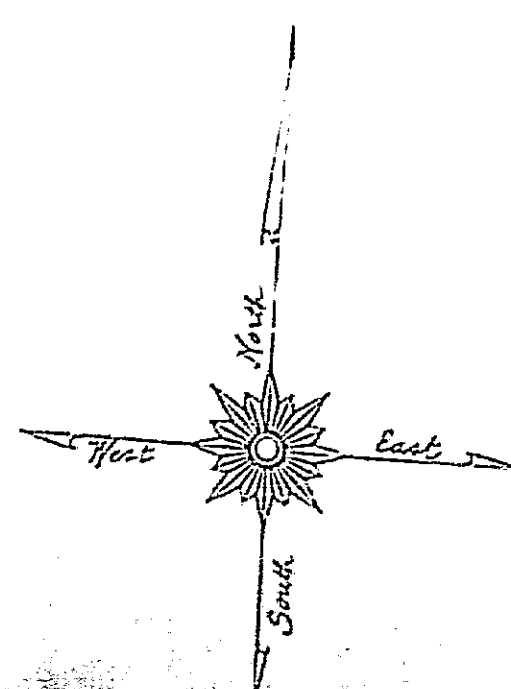
ALICE TRI...

Pet 10



# Notes

- Area of tract 2.3 ac ± (by deed compilation only, property outline shown hereon is not the result of a boundary survey)
- Zoning: D.R. 2 Zoning Map M.M. 1-H
- Owner: Mr. Raymond F. Ritter, Personal Petitioner: Steven W. Ritter & Doris J. Ritter  
Rep. of the Estate of Naomi C. Ritter  
7435 Inwood Avenue  
Laronsville, MD 21228
- "As Accrued" #
- Deed Reference: 1573/105
- Tax Map: 94 Grid: 10 Parcel: 72
- To the best of the applicant's knowledge, there is no zoning case history for this property.
- Parking: 4 spaces are to be provided in drop-off area.
- Hours of operation: 7 AM to 6 PM
- The outdoor play area shall be fenced with solid wood, stockade or panel with a minimum height of 5'.
- Height of building: 14'
- Maximum impervious surface = 14% of gross area.
- Group Childcare Center to be connected to existing 8" Sewer Main prior to issuance of permit.
- Upon application for a use permit, the owner or agent shall provide the following information:  
a) number of employees: 2 minimum  
b) number of children to be enrolled: 30 approximately  
c) estimated amount of traffic generated: 30 A.D.T.'s ±



## Requested Relief:

- Petition for a Special Exception under the Zoning Regulations of Baltimore County (B.C.Z.R. Sect. 424.6 (A)(2) to use the subject property in the D.R. 2 zone as a class A, Group Child Care Center for less than 40 children in a Residential Transition Area.
- Petition for a Variance from B.C.Z.R. Section 424.7 (b) to allow a sideyard setback of 27' in lieu of the required 50' and a variance from the same section to exclude the 20' perimeter vegetative buffer.
- Petition for a Variance from B.C.Z.R. Section 424.7 (b) to allow a rear yard of 24' in lieu of the required 50' and a Variance from the same section to exclude the 20' perimeter vegetative buffer.
- Petition for a variance from B.C.Z.R. Section 424.1 (B) to allow a wood fence to be built along the rear property line at a setback of 0' to the property line in lieu of the required 20'.

96-108-XA

## Plan to Accompany Petitions for Variances and Special Exception

Property of  
Steven W. & Doris J. Ritter  
# 7435 Inwood Road

15<sup>th</sup> Election District  
Baltimore County, MD  
15<sup>th</sup> Councilmanic District

Scale: 1" = 50'

August 14, 1995



Vitti & Associates, Inc.  
Engineering & Surveying

10/1/95